

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VINCENT POTTER,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, THE UNITED
STATES OF AMERICA, and CALLEN-
LORDE COMMUNITY HEALTH CENTER,

Defendants.

17 Civ. 4141 (AJN)

STIPULATION

IT IS STIPULATED AND AGREED, by and between counsel for Plaintiff Vincent Potter and counsel for Defendants United States of America, U.S. Department of Health and Human Services (“HHS”), and Callen-Lorde Community Health Center (“Callen-Lorde”) (collectively, “Defendants”), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that:

1. For the period of time relevant to this litigation, Callen-Lorde was deemed to be a part of the Public Health Service.
2. The Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and 2671-80, provides that the exclusive remedy with respect to Plaintiff’s claims is a suit against the United States. *See* 42 U.S.C. § 233(a); *Cuoco v. Moritsugu*, 222 F.3d 99, 107 (2d Cir. 2000).
3. Defendants HHS and Callen-Lorde are hereby dismissed from this action without prejudice.

4. The caption of the instant action is hereby amended as follows:

-----X
VINCENT POTTER,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.
-----X

5. Facsimiles of signatures shall constitute acceptable, binding signatures for purposes of this stipulation.

Dated: January 19, 2018
New York, New York

VANDAMME LAW FIRM, P.C.
Attorney for Plaintiff

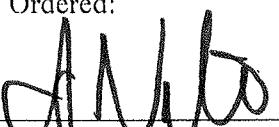
By: Hendrick Vandamme
HENDRICK VANDAMME
46 Trinity Place, 3rd Floor
New York, New York 10006

Dated: January 22, 2018
New York, New York

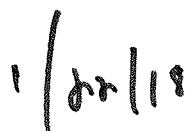
GEOFFREY S. BERMAN
United States Attorney
Attorney for Defendants

By: Jennifer Jude
JENNIFER JUDE
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007

So Ordered:


HON. ALISON J. NATHAN
U.S. District Court Judge

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1/22/18